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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 03-07-70348 BZ
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	EXCLUDING TIME
v.)	
)	
GILSON ARAUJO aka GILVAN)	
LEANDRO THOMAZELE,)	
)	
Defendant.)	

On July 30, 2007, the parties in this case appeared before the Court and stipulated that time should be excluded from the Speedy Trial Act calculations from July 30, 2007 through August 14, 2007. The parties represented that The Government has and is continuing to provide discovery to the defendant. Further, counsel for the Government and defense counsel are currently discussing pre-indictment resolution of this matter. Finally, counsel for the defendant does not believe it is within his client's best interest to hold a preliminary hearing within 10 days, pursuant to Fed. R. Crim. P. 5.1(c),(d). The parties represent that granting this continuance is necessary for effective preparation of counsel to permit defense counsel to review discovery and

1 to afford counsel time to discuss pre-indictment resolution, taking into account the exercise of
2 due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

3 IT IS SO STIPULATED.

4
5 SCOTT N. SCHOOLS
6 United States Attorney

7 DATED: July 30, 2007

8 /s/
9 DENISE MARIE BARTON
Assistant United States Attorney


10 DATED: July 30, 2007

11 /s/
12 ALAN DRESSLER
Attorney for GILSON ARAUJO aka
13 GILVAN LEANDRO THOMAZELE

14 **IT IS SO ORDERED.**

15 As the Court found on July 30, 2007, and for the reasons stated above, the Court finds that
16 the ends of justice served by the continuance outweigh the best interests of the public and the
17 defendant in a speedy trial and that time should be excluded from the Speedy Trial Act
18 calculations from July 30, 2007 through August 14, 2007 for effective preparation of counsel.
19 See 18 U.S.C. §3161(h)(8)(A). The failure to grant the requested continuance would deny the
20 defendant continuity of counsel and effective preparation of counsel, taking into account the
21 exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C.
22 §3161(h)(8)(B)(iv).

23
24
25 DATED: August 1, 2007

26 
27 Honorable James Larson
United States Magistrate Judge